

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC DAIMLER,)	
)	
Plaintiff,)	
)	Civil Action No. 18-165
v.)	
)	Hon. Nora Barry Fischer
CHRIS MOEHLE, ROBOTICS HUB)	
FUND 1, LLC and COAL HILL)	
VENTURES LLC)	
)	
Defendants.)	

ORDER

AND NOW, this 27th day of July, 2018, upon consideration of Defendants' Motion to Dismiss (Docket No. [16]) and all filings of record related thereto,

IT IS HEREBY ORDERED, for the reasons stated in the accompanying Memorandum Opinion, that said motion is **GRANTED IN PART AND DENIED IN PART**:

1. The motion is GRANTED as to Counts One, Two, Three, Four, Five, Six, Eight, Nine, Ten, Eleven, Twelve, Fourteen, Fifteen, Sixteen, Seventeen, and Eighteen of Plaintiff's First Amended Complaint. Counts One, Nine, and Fourteen are dismissed with leave to re-plead the allegations regarding GE's potential investment.
2. As to Counts Seven and Thirteen, the motion is GRANTED insofar as the claims relate to allegations regarding Moehle's relationships with NREC and RI and the statements that the Daimler and Moehle Awards were identical. The motion is DENIED as to Counts Seven and Thirteen, insofar as those counts relate to Plaintiff's alleged capital contributions.

3. Plaintiff shall file a Second Amended Complaint in accordance with this Order and the accompanying Memorandum Opinion on or before August 24, 2018. Defendants' Response to the Second Amended Complaint shall be due on or before September 21, 2018.

s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

Date: July 27, 2018

cc/ecf: All counsel of record